

New Zealand votes on end of life choice and cannabis legalisation

Alongside New Zealand's general parliamentary election on October 17, voters also were tasked with answering two referendum questions of significant medico-legal importance. The first asked whether the End of Life Choice Act 2019, permitting medically assisted dying for terminally ill persons, should enter into force. Voters agreed to this measure by an overwhelming 65.1% to 35.7% margin. The second was whether Parliament ought to enact into law the draft Cannabis Legalisation and Control Bill, thereby permitting personal use of this drug along with a regulated commercial market for its supply. Voters rejected this measure by a very narrow 50.7% to 48.4% margin.

As a consequence, assisted dying for eligible individuals will become legally available in New Zealand from 6 November, 2021. Under the End of Life Choice Act, adult citizens or permanent residents will be eligible to receive assisted dying from a willing doctor if they meet four criteria:¹

- suffer from a terminal illness that's likely to end their life within 6 months;
- have a significant and ongoing decline in physical capability;
- experience unbearable suffering that cannot be eased;
- are able to make an informed decision about assisted dying.

Various safeguards also apply, including requirements that a person give explicit consent to each stage of the process and two doctors independently agree on an individual's eligibility.²

It was not surprising the public backed this legislation. A steady 60-70% have supported such a policy over a twenty-year period.³ And although the country's medical associations almost unanimously opposed the legislation, while a number of groups ran vigorous campaigns urging a "no" vote, this messaging had no effect on the final outcome.

In contrast, the rejection of cannabis legalisation appears to have halted for the foreseeable future any chance of removing that drug from the criminal underworld's control. That is regrettable, as the current strict prohibitionist approach has significant problems attached to it.⁴ Consequently, the new majority Labour Government (with support from the Green Party) may still take some steps to further decriminalise personal possession and use of cannabis. However, it the New Zealand public really wasted an opportunity to establish a much more comprehensive, and harm-reduction focused, policy response.

¹ End of Life Choice Act 2019 (NZ), s 5.

² End of Life Choice Act 2019 (NZ), s 17.

³ J. Young, et al, "The euthanasia debate: synthesising the evidence on New Zealander's attitudes" (2019) 14 Kōtuitui: New Zealand Journal of Social Sciences Online 1.

⁴ New Zealand Law Commission, "Controlling and Regulating Drugs: A Review of the Misuse of Drugs Act 1975" Report No 122 (April, 2010).